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3 BEFORE THE STATE OF WASHINGTON
4 ENERGY FACILITY SITE EVALUATION COUNCIL
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6 In the Matter of Application No. 2003-01: Application No. 2003-01
7 SAGEBRUSH POWER PARTNERS, LLC; RENEWABLE NORTHWEST PROJECT'S
8 KITTITAS VALLEY WIND POWER RESPONSE TO KITTITAS COUNTY'S
9 PROJECT PREHEARING MOTIONS
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13 INTRODUCTION

14 Renewable Northwest Project ("RNP") opposes Kittitas County's Motion to Stay to
15 "prepare and respond" to Ted Clausing's testimony. The County's "response" is properly
16 articulated during cross-examination. No additional preparation time is justified.

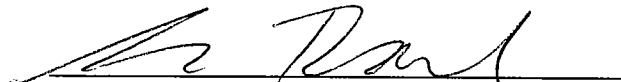
17 Mr. Clausing's testimony is not a surprise. It is based on Washington State Department
18 of Fish and Wildlife ("WDFW") Draft EIS comment letters submitted in January and March.
19 The January letter states, "with regard to fish and wildlife, the studies and mitigation measures
20 in the DEIS are consistent with WDFW's Statewide Wind Power Development Guidelines."
21 Exhibit 71-R (TC-2). This correspondence is adopted by BOTH Mr. Clausing and Mr. Bevis.
22 However, because the two witnesses do not have identical opinions, RNP submitted Mr.
23 Clausing's testimony to clarify WDFW's official position.

24 The County infers that the earlier submittal of Mr. Bevis's testimony was malpractice.
25 Submission of a variety of witness opinions in a contested proceeding is not an ethics violation
and is not a basis for stay.

1 The County's request to delay the proceedings by objecting to properly submitted
2 rebuttal testimony should be denied

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4 DATED this 6th day of August, 2004.

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6 FOSTER PEPPER & SHEFELMAN PLLC

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9 Susan Drummond, WSBA No. 30689

10 Attorneys for Intervenor

11 Renewable Northwest Project
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